

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CATHY D. BROOKS-MCCOLLUM,)	
)	
Plaintiff,)	Civil Action No. 04-419 JJF
)	
v.)	
)	
STATE FARM INSURANCE COMPANY,)	
)	
Defendant.)	

DEFENDANT'S RESPONSE TO PLAINTIFF'S MOTION TO LIMIT DISCOVERY

1. The only discovery taken in this case to date has been the defendant's attempt at deposing the plaintiff. Although Mrs. Brooks-McCollum appeared at her deposition, she refused to answer many questions including information relating to her employment, information relating to witnesses and information relating to her current address.
2. The plaintiff has indicated that the information we sought has already been obtained through other records. There has been no other discovery in the case. The plaintiff has produced as part of her motions several self-serving documents, however none of them have been under oath nor were they produced through discovery.
3. With regard to the plaintiff's request that all depositions be held after 5:00 p.m., the defendant opposes that application. Certainly the defendant has agreed to co-operate with scheduling so as not to inconvenience the plaintiff. As a matter of fact, plaintiff recently scheduled depositions of State Farm personnel. The defendant advised they could not be taken after 5:00 p.m. and the plaintiff indicated that she would be willing to take them around noon. Although the defendant could not take them at noon on the day requested, the defendant advised that the depositions could be scheduled around the

noon hour on other dates.

4. The taking of depositions after 5:00 p.m. would be an inconvenience to the defense and to the witnesses. The defendant has scheduled the depositions of four State Farm employees. The depositions were noticed for Friday, October 14 beginning at 5:00 p.m. The time of the deposition is inconvenient to both defense counsel and to the witnesses.

5. To date there has been no scheduling conference. Defendant requests the court to hold a scheduling conference so that matters relating to discovery can be determined.

WHEREFORE, the defendant requests that the depositions be scheduled during normal business hours. They can be scheduled for noon so as not the inconvenience the plaintiff.

/s/ Stephen P. Casarino, Esq.
STEPHEN P. CASARINO, ESQ
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(302) 594-4500
Attorney for the Defendant

DATED: September 21, 2005

CERTIFICATE OF SERVICE

I, Stephen P. Casarino, Esq., hereby certify that I have caused to be deposited in the mailbox at 800 North King Street, Suite 200, Wilmington, DE 19801, on this 21st day of September 2005, a true and correct copy of the attached Response to Plaintiff's Motion to Limit Discovery to:

Cathy D. Brooks-McCollum
115 Emerald Ridge Road
Bear, DE 19701

/s/ Stephen P. Casarino, Esq.
STEPHEN P. CASARINO, ESQ
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